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E.O. 12958: DECL: 2020/02/26

TAGS: PARM KACT MARR PREL RS US

SUBJECT: SFO-GVA-VIII: (U) NOTIFICATIONS WORKING GROUP MEETING,  
FEBRUARY 17, 2010

CLASSIFIED BY: Rose E. Gottemoeller, Assistant Secretary, Department  
of State, VCI; REASON: 1.4(B), (D)

¶1. (U) This is SFO-GVA-VIII-060.

¶2. (U) Meeting Date: February 17, 2010

Time: 3:30 P.M. - 6:00 P.M.

Place: Russian Mission, Geneva

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SUMMARY  
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¶3. (S) At the Notifications Working Group meeting chaired by Mr. Siemon and Mr. Smirnov, the Russian side provided an unofficial translation of the Russian-proposed Joint Draft Text (JDT) Version 1.8, Part Four of the Protocol to the Treaty on Notifications, dated February 17, 2010. The Russian side provided clarification of its proposed changes and the U.S. side provided counter proposals. The two sides discussed in detail the notifications that describe the transfer of SLBMs under the U.S.-United Kingdom (UK) existing pattern of cooperation and "notification of the development of a new kind of strategic offensive arm (SOA)." The two sides briefly discussed the time and date for the provision of a notification, notification of the visit of a deployed heavy bomber beyond 24 hours, a notification that provides the planned schedule for conversions and eliminations during the calendar year,

and a notification concerning the list of inspectors and aircrew members. End Summary.

¶4. (U) SUBJECT SUMMARY: Section I: General Provisions; Section II: Notifications Concerning the Database; Section III: Notifications Concerning the Movement of Strategic Offensive Arms; Section V: Notifications Concerning Conversion or Elimination; and Section VI: Notifications Concerning Inspections and Exhibitions.

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Section I: General Provisions

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¶5. (S) Mr. Smirnov provided Mr. Siemon with two copies of the unofficial translation of the Russian-proposed JDT Part Four of the Protocol to the Treaty, dated February 17, 2010. Smirnov had made additional changes to the text since a pre-conforming meeting held the previous day. He suggested the group use the Russian version for discussion. Siemon reminded Smirnov the sides should provide text for discussion factoring in sufficient time for the other side to review. Siemon added the Russian text should include not only the recommended changes but also the text that had been changed. In this way, discussion could be more productive. Although the

Russian side had not, in this instance, operated per normal procedures in delivering the text, Siemon agreed to continue discussion so the group could move forward.

¶6. (S) Smirnov recommended the sides delete paragraph 2, which related to the database, since Article VIII had for the most part been agreed. Siemon agreed. Smirnov also recommended the sides modify the START language in the paragraph related to using Greenwich Mean Time (GMT) for the time and date of a notification. The current language had confused individuals in the Russian Nuclear Risk Reduction Center (NRRC). First, simply changing the date of the notification to the date the respective NRRC received the notification corrected one problem. He also proposed to specify all times and dates in the notifications be given in GMT. After consulting with Mr. Stickney from the U.S. NRRC, Siemon agreed to Smirnov's approach on GMT time; however, he questioned the proposal for the date of the notification. Several of the proposed notifications signaled the commencement of monitoring or inspection activities using the date provided in the notification. Using the date of receipt for the date of provision of the notification confused this concept. Smirnov offered a remark within the notification could specify that the commencement of the event was based on the receipt of the notification. Siemon agreed to take the proposal back for study.

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Section II: Notifications  
Concerning the database

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¶7. (S) Siemon noted that both sides in the Definitions Working Group had agreed on the definition of variant; therefore, the U.S. side could accept the Russian-bracketed term "variants" in paragraph 3(b), and paragraph 3. The agreed text of paragraph 3(b) was as follows:

Begin text.

(b) New facilities, new types, variants of ICBMs and SLBMs and new versions of mobile launchers of ICBMs.

End text.

¶8. (S) The Russian side believed the U.S. term "items" was too broad for use in paragraph 4 and recommended using the formulation "ICBMs and SLBMs." Smirnov further noted this notification was not needed since existing patterns of cooperation were addressed in the treaty. The Russian side proposed a new formulation of the

paragraph to describe a notification to be used for the movement of an ICBM to the territory of a third State and its subsequent launch or return from the territory of a third State. Siemon noted paragraph 4 was intended to notify Russia of the transfer of SLBMs to the UK pursuant to the U.S.-UK pattern of cooperation (POC). Siemon further noted, as in START, the U.S. could also include a statement that addressed the U.S.-UK POC. The U.S.-bracketed text "in accordance with an established pattern of cooperation" exactly described this POC. Smirnov noted the Russian-proposed text was intended to describe Russia's technical cooperation with Kazakhstan and specifically the movement of ICBMs to the Leninsk Test Range. Siemon reminded Smirnov while the notification itself might be acceptable as written, the bigger issue of how the Leninsk Test Range would be covered under the treaty had yet to be decided.

¶9. (S) Mr. Dean added that the U.S. transfer of SLBMs to the UK and the movement of Russian ICBMs to Leninsk were two distinct and different actions, with different legal ramifications under the treaty. In the case of the transfers of Trident II SLBMs, the legal framework for such transfers was provided in Article XV of the treaty. However, when Russia moved an ICBM to Kazakhstan for a test launch, Russia still retained possession of the ICBM. Accordingly, the transfer ban in Article XV (as well as the language dealing with "patterns of cooperation") did not apply. After a lengthy discussion on the subtleties of the words "movement" and "transfer," Smirnov recommended using two paragraphs. The first would relate to the transfers under the U.S.-UK pattern of cooperation. The second would relate to a situation in which Russia moved an ICBM to Kazakhstan for testing at the Leninsk Test Range. Siemon acknowledged the need for two paragraphs, for which he would present proposed text at the next meeting.

¶10. (S) Smirnov stated there was a fundamental difference in the approaches of the two sides for notifying the emergence of a new kind of SOA. The Russian side believed a Party could request discussion of the development of a new kind of SOA in the Bilateral Consultative Commission (BCC). This discussion would be triggered by a notification. The Parties would decide within the BCC if the new kind of offensive arm was a "strategic offensive arm." If the Parties determined it was indeed a SOA to which the treaty applied, the Parties also decided within the BCC, either then or in a future meeting of the BCC, which, if any, provisions of the treaty applied to this new kind of SOA. Therefore, the U.S.-proposed notification would not be needed since the official BCC record would serve as such. The Parties could also decide in the BCC if the new kind of offensive arm was not an SOA and therefore not subject to the treaty. The fundamental difference of the U.S. position from the RF position was that the Parties together decided if the offensive arm was a SOA; the Party which developed the item did not decide this alone. The Parties together made this decision prior to deploying the item.

¶11. (S) Siemon believed the sides could draft two notifications to assuage Russian concerns; one to notify the other Party of the development of a new kind of SOA that triggered discussion in the BCC if either Party had concerns about a potential new kind of SOA, and a second notification to signal the deployment of a new kind of SOA. Smirnov believed paragraph 2 of Article V supported the

Russian-proposed notification process: 1) One Party noticed the other Party developing a new kind of SOA; 2) this Party then sent a notification to the other party requesting discussion within the BCC; the BCC decided what provisions of the Treaty, if any, applied to the new kind.

¶12. (S) Dean said the U.S. concept included three steps. The first step, per Article V, entailed a discussion in the BCC if a Party believed that a new kind of strategic offensive arm was emerging. There would be a notification to request such BCC discussions. The second step required the developing Party to submit a notification that acknowledged the development of a new kind of SOA. The third step, as provided for within Article XIV, subparagraph (c), was that the BCC may then resolve questions concerning the applicability of provisions of the treaty to the new kind.

¶13. (S) Siemon reiterated the U.S. position that Article V could be used by either Party to trigger discussions within the BCC. The Party with concerns could use the Article V provisions or the Party that developed the new kind of SOA could use Article V to trigger BCC discussions in order to alleviate a concern of the other Party. Siemon believed the Russian-proposed notification only solved half the problem. He offered to draft two notifications for discussion at the next meeting; one for step one and the other for step two. Siemon reemphasized only the Party that developed the item could determine if it was a new kind of SOA. Smirnov disagreed. Smirnov also disagreed with the U.S.-proposed notification related to new SOA including language specifying a "flight test." He opined some new SOA might not be flight tested.  
"Some new SOA might not fly but crawl," he said. The text remained bracketed.

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Section III: Notifications Concerning  
Movement of Strategic offensive arms

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¶14. (S) The sides agreed to defer discussion of time periods captured in this section to the next meeting. Siemon noted since the definition of a non-deployed heavy bomber had not been fully resolved, the bracketed text in paragraphs 3 and 4 should remain. With respect to text for providing the location in the notification of a visiting bomber, Siemon indicated with regard to heavy bomber movements outside U.S. national territory, the notification would only provide the general geographical area of the visit as was done in START. This was done to protect information related to operational missions. Smirnov recommended replacing the Russian-bracketed text "the location during" with "area." Siemon agreed to take this back for discussion. Text in Section III remained bracketed.

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Section V: Notifications

Concerning Conversion or Elimination

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¶15. (S) Smirnov indicated the title of the section "Notifications Concerning Conversion or Elimination" showed agreement that resulted from the previous pre-conforming meeting. Both sides agreed to delete "of ((Items and Facilities Subject to the Treaty))<sup>1</sup> ((Strategic Offensive Arms))<sup>2</sup>". He noted the text included two variants of the paragraph which addressed conversion or elimination schedules. The Russian-proposed text provided only calendar-year scheduled eliminations. The Russian side could not provide a calendar-year plan for scheduled conversions since they did not draft these schedules. Smirnov stated the schedule was not needed since a Party was required to notify the other Party 30 days in advance of the intent to initiate a conversion or elimination. Siemon recommended adding the number and types of SOA to the Russian-proposed text and indicated he would discuss the text of the notification with Mr. Elliott, the Chair of the Conversion or Elimination Working Group.

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Section VI: Notifications

Concerning inspections and exhibitions

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¶16. (S) Smirnov reiterated the Russian side had accepted the U.S.-proposed 45-day period for the notification of amendments to the list of inspectors and aircrew members. Siemon asked how the Russians proposed to handle notifications when a Party wanted to immediately remove an individual from either list because of criminal behavior. Smirnov acknowledged the Russian-proposed notifications did not capture this situation.

¶17. (S) Siemon asked Smirnov to clarify the purpose of the proposed notification containing the agreed list of inspectors and aircrew members. Smirnov told Siemon, in the Russian view, the agreed list would be shared one time shortly after entry into force of the treaty. Siemon opined this process was confusing as it did not take into account further updates to the agreed list over the life of the treaty. Siemon ultimately agreed to consider Smirnov's proposal.

¶18. (S) Each side reiterated its position with respect to the timing for notification of the intent to conduct an inspection. Smirnov stated the 72-hour time period was needed so the Russian NRRC could arrange logistics for the arrival of the inspection team. Siemon indicated the notification should reflect the time

period agreed upon by the Inspection Protocol Working Group.  
(Begin comment: The United States has proposed 16 hours for this activity in the Inspection Protocol Working Group. End comment.)  
Both sides agreed to keep the proposed time periods bracketed.

¶19. (S) Smirnov indicated the Russian side had refined the language that referenced the exchange of geographic coordinates to focus on those geographic coordinates related to reference points. This was required since the Treaty included several situations where coordinates were exchanged; the Russian side simply wanted to refer to the coordinates of a reference point in this notification. Siemon noted the difficulty of using the text provided by Smirnov

at the beginning of the meeting since it did not indicate what text had been changed or deleted. He reiterated that in the future, the Russian side should provide its proposed JDT well in advance of a meeting so that an effective discussion could take place.

¶20. (S) Before concluding the meeting, Smirnov wished to discuss the time period related to a change in site diagrams. He reiterated that no time period for transmitting a notification with the changes was necessary since he believed the changes would be documented in the BCC. The documentation would reference the date of change. The sides agreed to continue this discussion at the next meeting.

¶21. (U) Documents provided:

- Russia:

-- Unofficial English translation and Russian language of Russian Proposed JDT Rev 1.8, Part Four of the Protocol to the Treaty-Notifications, dated February 17, 2010.

¶22. (U) Participants:

UNITED STATES

Mr. Siemon

Mr. Albertson

Lt Col Comeau

Mr. Dean

Mr. Dwyer

Dr. Fraley

Mr. Hanchett (RO)

LT Sicks

Ms. Gross (Int)

RUSSIA

Mr. Smirnov

Mr. Ivanov

Mr. Voloskov

Ms. Komshilova (Int)

¶23. (U) Gottemoeller sends.  
KING